

Sweet, J

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

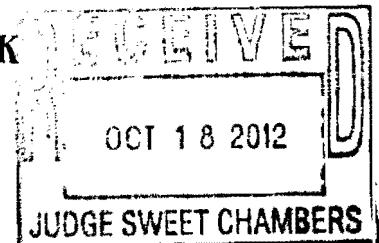
CANON INC.,

Plaintiff,

v.

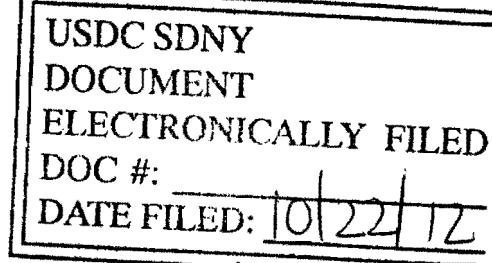
CLOVER HOLDINGS, INC., CLOVER
TECHNOLOGIES GROUP, LLC,
CLOVER VIETNAM CO., LTD.,
DATAPRODUCTS IMAGING
SOLUTIONS S.A. DE C.V.,
DATAPRODUCTS USA, LLC and CAU
ACQUISITION COMPANY, LLC,

Defendants.



Case No.: 12-CV-0567-RWS

JURY TRIAL DEMANDED



STIPULATION, CONSENT JUDGMENT AND PERMANENT INJUNCTION

This Stipulation, Consent Judgment and Permanent Injunction ("Consent Judgment") is entered into by and between Plaintiff Canon Inc. ("Canon") and Defendants Clover Holdings, Inc., Clover Technologies Group, LLC, Clover Vietnam Co., Ltd., Dataproducts Imaging Solutions S.A. de C.V., Dataproducts USA, LLC and CAU Acquisition Company, LLC d/b/a Cartridges Are Us (collectively, "Defendants" or "Clover"), subject to approval by the Court.

WHEREAS, Canon brought this suit against Clover for infringement of Canon's U.S. Patent Nos. 5,903,803 ("the '803 patent") and 6,128,454 ("the '454 patent") based on Clover's alleged unauthorized manufacture, use, importation, sale and/or offer for sale of certain toner cartridges having a portion provided at the end of a photosensitive drum, which portion is designed to interface with a laser beam printer or other electrophotographic image forming

apparatus (said portion hereinafter referred to as a “Projection”) that is the same as or substantially the same as any of the Projections shown in the Appendix hereto (“Accused Products”);

WHEREAS, each of the Parties have agreed to resolve their dispute without conceding or admitting the claims and defenses against it;

THEREFORE, Canon and Clover, through their respective counsel, hereby agree to entry of this Consent Judgment;

NOW, THEREFORE, IT IS HEREBY STIPULATED, ORDERED AND ADJUDGED:

1. This is an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code.
2. This Court has jurisdiction over Clover and the subject matter of this action under 28 U.S.C §§ 1331 and 1338(a). Venue is proper in this Court pursuant to 28 U.S.C §§ 1391(b), (c) and/or (d) and 28 U.S.C. § 1400(b).
3. Canon is the owner of all right, title and interest in and to the '803 and '454 patents.
4. Clover does not contest, solely for purposes of this litigation, that all of the claims of the '803 and the '454 patents are valid and enforceable.

5. Clover has manufactured, used, imported, sold and/or offered for sale in the United States certain toner cartridges accused of infringement in this action, including but not limited to the Accused Products.

6. Effective as of the date this Consent Judgment is entered by the Court, Clover and its subsidiaries, affiliates, officers, directors, agents, servants, employees, successors and assigns, and all other persons and organizations controlled by Clover or any of the foregoing, are hereby permanently enjoined and restrained from engaging in any of the following activities:

(a) making, using, selling or offering for sale in the United States, or importing into the United States , any toner cartridges or photosensitive drums, including the Accused Products, having a Projection that is the same as or substantially the same as any of the Projections shown in the attached Appendix; and

(b) assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraph (a) above.

7. As between Clover and Canon, Clover and Canon shall bear their own costs and attorney fees.

8. This Consent Judgment constitutes a final judgment concerning the subject matter of this action as between Canon and Clover.

9. This Consent Judgment shall become null and void upon expiration of the last to expire of the '803 Patent and the '454 Patent.

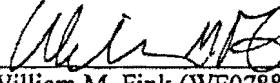
10. This Consent Judgment shall become null and void upon a finding or adjudication of invalidity of all claims of both the '803 Patent and the '454 Patent by a court of competent jurisdiction or by the U.S. Patent and Trademark Office, in a final decision, no longer subject to appeal.

11. Clover and Canon waive any right to appeal from this Consent Judgment.

12. Upon entry of this Consent Judgment, this litigation is dismissed with prejudice, provided, however, that this Court shall retain jurisdiction to enforce the terms and provisions of this Consent Judgment.

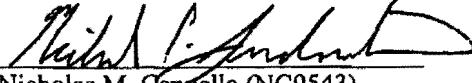
STIPULATED AND CONSENTED TO:

By:


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Attorneys for Plaintiff Canon Inc.

SO ORDERED AND ADJUDGED:

Dated:

10-22-12


Robert W. Sweet
United States District Judge

APPENDIX

